

PATENT

Serial No. 10/573,719

Amendment in Reply to Final Office Action of March 13, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action dated March 13, 2008.

By means of the present amendment, claims 2-3 and 15-16 have been without prejudice and their features included in independent claims 1 and 14. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 5, 7-11, 14, 18 and 20-22 remain in this application where claims 2-4, 6, 12-13, 15-17 and 19 have been canceled without prejudice. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, claim 14 has been amended to correct an apparent error of omission.

In the Final Office Action, claims 1, 10-11 and 14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over WO 03/019826 (Josi) in view of U.S. Patent Application Publication No.

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2001/0036223 (Webster). Further, claims 2-3, 5, 7-9, 15-16, 18, 20 and 21-22 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0025011 (Sullivan) in view of Webster and Josi. It is respectfully submitted that claims 1, 5, 7-11, 14, 18, and 20-22 are patentable Josi, Webster and Sullivan for at least the following reasons.

As correctly noted on page 4 of the Final Office Action, Sullivan does not teach or suggest the features of claim 2-3 and 15-16. Equations 1 and 9 of Josi are cited in an attempt to remedy the deficiencies in Sullivan.

It is respectfully submitted that Equations 1 and 9 of Josi represent a model of a received signal, and not an optimization function. Assuming, arguendo, that the models represented by Equations 1 and 9 of Josi are equivalent to an optimization function, there is no teaching or suggestion in Equations 1 and 9 of a term of the form:

$\tau_0 \sqrt{\left(1 - \frac{\tau_0^2}{t_2}\right)}$ , where the exponential term is of the form  $B e^{-\alpha t}$ , as

recited in independent claims 1 and 14. Rather, Equations 1 and 9

of Josi merely include a term [ $t - (d_k/c)$ ] and an exponential term of  $e^{j(ax+\theta_k)}$ . Such terms of Equations 1 and 9 of Josi do not even resemble the terms recited in independent claims 1 and 14, let alone disclose or suggest the terms recited in claims 1 and 14. Webster is cited to allegedly show other features and does not remedy the deficiencies in Sullivan and Josi.

Accordingly, it is respectfully submitted that independent claims 1 and 14 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 5, 7-11, 18 and 20-22 should also be allowed at least based on their dependence from amended independent claims 1 and 14.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

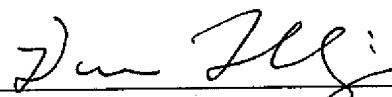
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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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April 30, 2008

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